

REMARKS

After entry of this amendment claims 20-49 are pending in the application. Claims 20-29 have been amended to more specifically point out and distinctly claim the subject matter of the invention. Claim 1-19 have been cancelled without prejudice. Claims 30-49 have been added in the amendment. Reconsideration of the application as amended is requested.

In the office action dated April 5, 2002, the Examiner imposed a restriction requirement between Group I drawn to an apparatus corresponding to claim 1-19; and Group II drawn to a method corresponding the claims 20-29. The election of Group II claims with traverse is affirmed in this amendment, and the non-elected claims 1-19 have been cancelled without prejudice, since the apparatus claims were previously restricted during prosecution prior to being allowed in the prior copending parent application corresponding to now issued U.S. Pat. No. 6,430,875.

Claims 20-29 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that this a method claim that sets forth the steps that describe the specific order of use of an apparatus (emphasis added). It is submitted that this is an improper interpretation of the method claims presented in the present application. As is well established practice, there is no particular order associated with recited method steps unless a specific order is set forth as a limitation with respect to one or more of the recited steps. See, Patent Practice, Chapter 10, Section V (i) - Broad Claim - Order of Steps by Richard L. Schwaab (1985) and Mechanics of Patent Claim Drafting by John L. Landis (Second Edition). When steps occur simultaneously, the claim drafter should simply choose an order that appears logical and provides for the easiest progression or building of elements in the claims. Where the claim does not expressly state or necessarily imply the sequence of all or some steps, the claim covers the steps performed in any order or simultaneously. See, page 77 of Mechanics of Patent Claim Drafting by John L. Landis (Second Edition). It is submitted that the

claims have been carefully reviewed and revised to address the concerns of the Examiner. It is submitted that the amended claims traverse and overcome the Examiner's rejection. Reconsideration of the amended claims is requested.

Claims 20-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wrenbeck et al. (U.S. Pat. No. 5,436,539). The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the apparatus of Wrenbeck et al. in the steps provided, as this is the only way these elements could be used. It is submitted that the Wrenbeck et al. reference does not anticipate, teach or suggest the invention as recited in claims 20-29 as amended. In particular, the Wrenbeck et al. reference does not anticipate, teach or suggest generating at least one input signal corresponding to motion of the moveable member along the fixed path of travel with at least one sensor located on a clutch positioned between the first means and the moveable member. The Wrenbeck et al. reference does not teach or suggest a clutch positioned between the first means and the moveable member and/or a sensor located on the clutch. The unique configuration and method according to the present invention allows the system to track the position of the moveable member during manual manipulation, as well as power driven movement. This is particularly useful in tracking the position of sliding doors or lift gates that can be operated in either manual or power driven modes of operation. The Wrenbeck et al reference teaches away from the method as claimed in the present invention by advocating that the sensor may consist of two Hall effect sensors mounted directly on the motor shaft (emphasis added). See column 3, lines 26-30. The Examiner's reliance on the Wrenbeck et al reference does not provide a prima facie case of obviousness with respect to claims 25, 26, 28, and 29. In particular, the Wrenbeck et al reference fails to teach or suggest driving a member-engaging member with respect to the moveable member with second means including a second electric motor as recited in claim 25, and/or a generated input signal representative of a moveable member ajar condition as recited in claim 26, and/or controlling speed of the moveable member in response to an input signal from a sensor mounted on a portion of a clutch disposed

between the reversible electric motor and the moveable member as recited in claim 28, and/or detecting an obstruction of the moveable member in response to an input signal from a sensor mounted on a portion of a clutch disposed between the reversible electric motor and the moveable member as recited in claim 29. Reconsideration of the Examiner's rejection of claims 20-29 is requested.

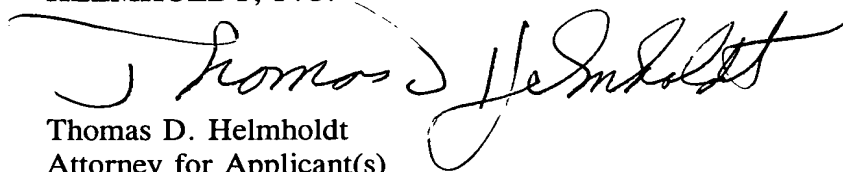
New claims 30-49 are submitted in this amendment. It is submitted that new claims 30-49 patentably define over the prior art of record. New claims 30-49 read on the elected invention drawn to a method. The Examiner's consideration of new claims 30-49 is requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE, WOOD &
HELMHOLDT, P.C.



Thomas D. Helmholdt
Attorney for Applicant(s)
Registration No. 33181
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

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TDH/th

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please cancel claims 1-19 without prejudice.

20. (Amended) A method for controlling movement of a moveable member, the method comprising the steps of:

selectively driving the moveable member in either a first direction [and] or in a second direction opposite from the first direction, the driving being in response to actuation of first means for driving the moveable member by control means, the [with] first means including a reversible electric motor;

generating at least one motion input signal corresponding to motion of the moveable member along [the] a fixed path of travel with at least one sensor positioned between the first means and the moveable member, the at least one sensor including a sensor located on a clutch positioned between the first means and the moveable member; and

selectively actuating [said] the first means with the control means being responsive to the at least one input signal in accordance with a control program.

21. (Amended) The method of claim 20 further comprising the step of:

generating [said] at least one position input signal with at least one sensor positioned with respect to the moveable member, [said] the at least one position input signal including an input signal to the control means representative of a first position and a second position of the moveable member.

22. (Amended) The method of claim 20 further comprising the step of:

generating [said] at least one operator input signal with a control signal generator, [said] the at least one operator input signal including an input signal to the control means in response to operator input.

23. (Amended) The method of claim 20 further comprising the step of:

generating said at least one motion input signal with at least one sensor positioned between the moveable member and the first means, [said] the at least one input signal including an input signal to the control means representative of speed of movement of the moveable member along [a] the fixed path of travel.

24. (Amended) The method of claim 20 further comprising the step of:

generating [said] at least one position input signal with at least one sensor, [said] the at least one position input signal including an input signal to the control means representative of an actual position of the moveable member along [a] the fixed path of travel between a first position and a second position.

25. (Amended) The method of claim 20 further comprising the step of:

selectively driving a member-engaging member between a first position to engage the moveable member with a frame and a second position where the moveable member is disengaged with respect to the frame, the driving being in response to actuation of second means for driving the member-engaging member by the control means, the [with] second means including a second electric motor; and

generating [said] at least one position input signal with at least one sensor positioned with respect to the second means, [said] the at least one position input signal including an input signal to the control means representative of the first position and the second position of the member-engaging member.

26. (Amended) The method of claim 25 further comprising the step of:

generating [said] at least one position input signal with at least one sensor positioned with respect to the frame and the moveable member, [said] the

at least one position input signal including an input signal to the control means representative of a moveable member ajar condition.

27. (Amended) The method of claim 20 wherein the control means further comprises the steps of:

receiving [said] the at least one motion input signal with a central processing unit; and

generating at least one output signal in accordance with the control program stored in memory.

28. (Amended) The method of claim 20 wherein the control means further comprises the step of:

controlling a speed of the moveable member while moving between a first position and a second position in response to [said] the at least one motion input signal from the first means, wherein the first means includes a sensor mounted to a portion of [a] the clutch disposed between the reversible electric motor and the moveable member.

29. (Amended) The method of claim 20 wherein the control means further comprises the step of:

detecting an obstruction along a fixed path of the moveable member while the moveable member is moving between [an] a first position and a second position in response to [said] the at least one motion input signal from the first means, wherein the first means includes a sensor connected to a portion of [a] the clutch disposed between the reversible electric motor and the moveable member.

New claims 30-49 have been added.